

**NOT FOR PUBLICATION**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

CAROL SMITH, et al.,	:	CIVIL ACTION NO. 11-6712 (MLC)
	:	
Plaintiffs,	:	<b>O P I N I O N</b>
	:	
v.	:	
	:	
LONG BEACH ISLAND COMMUNITY	:	
CENTER, INC., et al.,	:	
	:	
Defendants.	:	
_____	:	

**THE PLAINTIFFS** bringing this action to recover damages for violations of federal law and the New Jersey Law Against Discrimination ("NJLAD") (dkt. entry no. 1, Compl.); and the Court ordering the plaintiffs to show cause why the Court should not dismiss the Complaint (dkt. entry no. 3, Order To Show Cause); and

**THE PLAINTIFFS** advising in response that they intend to abandon the claims asserted pursuant to federal law, and that they will now pursue the NJLAD claims in the state-court system (dkt. entry no. 4, Pl. Response at 1); and the Court thus intending to dismiss the Complaint insofar as it asserts (1) claims pursuant to federal law with prejudice, and (2) NJLAD claims without prejudice to the plaintiffs to commence an action or a proceeding asserting the NJLAD claims before the appropriate state court or agency within 30 days, see 28 U.S.C. § 1367(d);

and for good cause appearing, the Court will issue an appropriate order and judgment.<sup>1</sup>

s/ Mary L. Cooper  
**MARY L. COOPER**  
United States District Judge

Dated: December 6, 2011

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<sup>1</sup> The plaintiffs sought to have the action either remanded or transferred to a state court. (Pl. Response at 1; id., Ex. A, Proposed Order at 2.) The Court is not authorized to either remand an action to state court that has not been removed, or transfer an action to state court. See 28 U.S.C. § 1367(d).